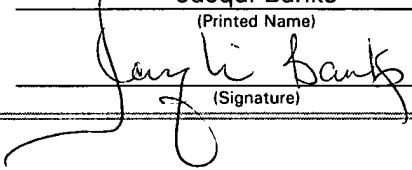


IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Harold F. Ross
Title: METHOD OF USING AN ICE
CREAM MACHINE
Appl. No.: Not Yet Known
Filing Date: Not Yet Known
Examiner: Not Yet Known
Art Unit: Not Yet Known

CERTIFICATE OF EXPRESS MAILING	
I hereby certify that this correspondence is being deposited with the United States Postal Service's "Express Mail Post Office To Addressee" service under 37 C.F.R. § 1.10 on the date indicated below and is addressed to: Commissioner for Patents, PO Box 1450, Alexandria, Virginia 22313-1450.	
EL187304181US	10/21/03
(Express Mail Label Number)	(Date of Deposit)
Jacqui Banks	
(Printed Name)	
	
(Signature)	

ASSERTION OF SMALL ENTITY STATUS

Commissioner for Patents
PO Box 1450
Alexandria, Virginia 22313-1450

Pursuant to 37 C.F.R. §1.27(c)(1), Applicant hereby asserts entitlement to small entity status in the above-identified application.

Respectfully submitted,

Date

10-21-03

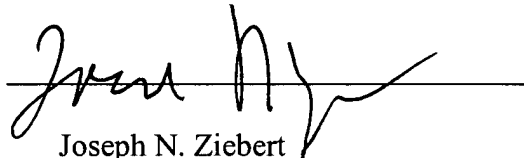
FOLEY & LARDNER

Customer Number: 26371

Telephone: (414) 297-5768

Facsimile: (414) 297-4900

By



Joseph N. Ziebert

Attorney for Applicant

Registration No. 35,421

DECLARATION AND POWER OF ATTORNEY

As a below named inventor, I HEREBY DECLARE:

THAT my residence, post office address, and citizenship are as stated below next to my name;

THAT I believe I am the original, first, and sole inventor (if only one inventor is named below) or an original, first, and joint inventor (if plural inventors are named below or in an attached Declaration) of the subject matter which is claimed and for which a patent is sought on the invention entitled

ICE CREAM MACHINE HAVING AN AUXILIARY EVAPORATOR TANK

(Attorney Docket No. 071402-0111)

the specification of which (check one)

 is attached hereto.

 X was filed on 08/16/2002 as United States Application Number or PCT International Application Number 10/222,754 and was amended on (if applicable).

THAT I do not know and do not believe that the same invention was ever known or used by others in the United States of America, or was patented or described in any printed publication in any country, before I (we) invented it;

THAT I do not know and do not believe that the same invention was patented or described in any printed publication in any country, or in public use or on sale in the United States of America, for more than one year prior to the filing date of this United States application;

THAT I do not know and do not believe that the same invention was first patented or made the subject of an inventor's certificate that issued in any country foreign to the United States of America before the filing date of this United States application if the foreign application was filed by me (us), or by my (our) legal representatives or assigns, more than twelve months (six months for design patents) prior to the filing date of this United States application;

THAT I have reviewed and understand the contents of the above-identified specification, including the claim(s), as amended by any amendment specifically referred to above;

THAT I believe that the above-identified specification contains a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the invention, and sets forth the best mode contemplated by me of carrying out the invention; and

THAT I acknowledge the duty to disclose to the U.S. Patent and Trademark Office all information known to me to be material to patentability as defined in Title 37, Code of Federal Regulations, §1.56.

I HEREBY CLAIM foreign priority benefits under Title 35, United States Code §119(a)-(d) or § 365(b) of any foreign application(s) for patent or inventor's certificate, or §365(a) of any PCT

international application which designated at least one country other than the United States of America, listed below and have also identified below any foreign application for patent or inventor's certificate or of any PCT international application having a filing date before that of the application on which priority is claimed.

Prior Foreign Application Number	Country	Foreign Filing Date	Priority Claimed?	Certified Copy Attached?

I HEREBY CLAIM the benefit under Title 35, United States Code § 119(e) of any United States provisional application(s) listed below.

U.S. Provisional Application Number	Filing Date

I HEREBY CLAIM the benefit under Title 35, United States Code, §120 of any United States application(s), or § 365(c) of any PCT international application designating the United States of America, listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States or PCT International application in the manner provided by the first paragraph of Title 35, United States Code, § 112, I acknowledge the duty to disclose information which is material to patentability as defined in Title 37, Code of Federal Regulations, § 1.56 which became available between the filing date of the prior application and the national or PCT international filing date of this application.

U.S. Parent Application Number	PCT Parent Application Number	Parent Filing Date	Parent Patent Number
08/602,302		02/16/1996	
08/869,040		06/04/1997	
09/063,340		05/22/1998	
09/234,970		01/21/1999	
09/639,062		08/15/2000	
09/871,769		06/01/2001	

I HEREBY APPOINT the following registered attorneys and agents of the law firm of FOLEY & LARDNER:

SCOTT D. ANDERSON	Reg. No. 46,521
RUSSELL J. BARRON	Reg. No. 29,512
DAVID J. BATES	Reg. No. 39,902
STEVEN C. BECKER	Reg. No. 42,308
MICHAEL S. BRAYER	Reg. No. 51,495
CHARLES G. CARTER	Reg. No. 35,093
ALISTAIR K. CHAN	Reg. No. 44,603
JOHN C. COOPER III	Reg. No. 26,416
BARRY L. GROSSMAN	Reg. No. 30,844

JEFFREY S. GUNDERSEN	Reg. No. 47,619
PAUL S. HUNTER	Reg. No. 44,787
JOHN M. LAZARUS	Reg. No. 48,367
KENNETH G. LEMKE	Reg. No. 47,746
KEITH D. LINDENBAUM	Reg. No. 40,365
DAVID G. LUETTGEN	Reg. No. 39,282
M. SCOTT MC BRIDE	Reg. No. 52,008
RICHARD J. MC KENNA	Reg. No. 35,610
JAMES G. MORROW	Reg. No. 32,505
SCOTT C. NIELSON	Reg. No. 50,755
JASON E. PAULS	Reg. No. 45,651
TODD A. RATHE	Reg. No. 38,276
MICHAEL D. RECHTIN	Reg. No. 30,128
MARCUS W. SPROW	Reg. No. 48,580
M. REED STAHELI	Reg. No. 47,959
JEAN M. TIBBETTS	Reg. No. 43,193
CHRISTOPHER M. TUROSKI	Reg. No. 44,456
JOHN A. VANOPHEM	Reg. No. 38,646
JAMES A. WILKE	Reg. No. 34,279
JOSEPH N. ZIEBERT	Reg. No. 35,421
WALTER E. ZIMMERMAN	Reg. No. 40,883

to have full power to prosecute this application and any continuations, divisions, reissues, and reexaminations thereof, to receive the patent, and to transact all business in the United States Patent and Trademark Office connected therewith.

I request that all correspondence be directed to:

Joseph N. Ziebert
FOLEY & LARDNER
777 East Wisconsin Avenue
Milwaukee, Wisconsin 53202-5367

Telephone: (414) 297-5768
Facsimile: (414) 297-4900

I UNDERSTAND AND AGREE THAT the foregoing attorneys and agents appointed by me to prosecute this application do not personally represent me or my legal interests, but instead represent the interests of the legal owner(s) of the invention described in this application.

I FURTHER DECLARE THAT all statements made herein of my own knowledge are true, and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Name of first inventor

Harold F. Ross

Residence

Bark River, MI

Citizenship

U.S.A.

Post Office Address

454 Hwy M 35
Bark River, MI 49807

Inventor's signature

Harold F. Ross

Date

11-26-02